

Application No. 10/826,084
Amendment dated August 21, 2006
Reply to Office Action of March 20, 2006

Amendment to the Drawing(s)

Figure 8 has been replaced. A replacement sheet of the drawing is attached.

Figure 10 has been added.

REMARKS

Claims 1-17 are pending.

The drawings stand objected to because of informalities. FIG. 8 is corrected herein to better illustrate the configuration of the inflated airbag 122 including the portions 123 and 124 thereof. With respect to the fabric 127, FIGS. 3 and 5 illustrates the fabric wrapped around the airbag portion 124. As surmised in the Action, one skilled in the art will appreciate that where the airbag portion 124 transitions to the airbag portion 123, there will need to be a different configuration for the fabric 127 such as via an opening in the fabric 127. Nevertheless, the fabric 127 is described and illustrated accurately as there has been no disclosure that the fabric 127 is wrapped completely around the entire length of the airbag portion 124 since this is not possible.

The drawings are objected to under 37 C.F.R. §1.83(a). In particular, it is asserted that the features that are recited in claims 3 and 16 need to be shown in the drawings. Added FIG 10 included herewith shows the features of claims 3 and 16. More specifically, FIG. 10 shows the airbag portion mounted to the motorbike being folded differently from the airbag portion in the retainer as called for in claim 3. Support in the specification for the features recited in claim 3 and shown in FIG. 10 regarding differently folded airbag portions are found in paragraphs [0033] and [0036] in the specification. FIG. 10 also shows the feature recited in claim 16 relating to the size of the retainer for storing the entire airbag therein with the airbag portion drawn out therefrom for mounting to the motorbike body. Such feature is described in paragraphs [0007] and [0034] in the specification. Accordingly, it is believed that the drawing of added FIG. 10 is fully supported by the originally filed specification and adds no new matter thereto.

The specification is objected to for informalities. Where appropriate, the specification is amended to correct the noted informalities. With respect to the term "pedrail" found in paragraph 4, a definition for this term is provided herewith.

The specification is objected to for failing to provide antecedent basis for the subject matter of claim 16. However, as previously noted with respect to the drawings, it is believed the specification provides support for the recited retainer size in paragraphs [0007] and [0034].

Claim 7 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

As discussed with respect to the drawing objections, it is believed it will be a fairly routine matter for one skilled in the art based on the teachings in the present application to understand that the described and illustrated fabric 127 is not wrapped around the entire length of the airbag portion 124, but instead only those portions thereof extending along the handlebar 104.

Claims 1-10 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite.

The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Claims 1, 2 and 8 are amended so that it is clear that the subject matter is directed to the airbag device and not the motorbike with aspects of the motorbike set forth for the purpose of providing context for the environment in which the airbag device is intended to be used. Claim 7 is amended to delete the phrase "thin material" to obviate the alleged indefiniteness with respect thereto. Claim 9 is amended to delete the recited retainer to obviate the alleged indefiniteness with respect thereto. The subject matter of dependent claim 10, in contrast to the other claims of this claim set, is specifically recited to be in combination with the motorbike and the handlebar thereof with the airbag portion being mounted to the

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handlebar. Claim 15 is amended to obviate the alleged indefiniteness with respect thereto.

Claims 1-17 stand provisionally rejected under the judicially created doctrine of statutory obviousness-type double patenting as being unpatentable over claims 1-20 of co-pending Application No. 10/826,014, claims 1-22 of co-pending Application No. 10/813,523, and claims 1-20 of co-pending Application No. 10/800,263.


It is understood that Terminal Disclaimers will overcome these non-statutory double patenting provisional rejections. Accordingly, included herewith are Terminal Disclaimers over the '014 application, the '523 application and the '263 application to overcome the provisional obviousness-type double patenting rejections.

Based on the foregoing, reconsideration and allowance of claims 1-17 are respectfully requested.

Respectfully submitted,

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pedrail

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pedrail

\Ped"rail\", n. [See [Pedi-](#); [Rail](#).] (Mach.) (a) A device intended to replace the wheel of a self-propelled vehicle for use on rough roads and to approximate to the smoothness in running of a wheel on a metal track. The tread consists of a number of rubber shod feet which are connected by ball-and-socket joints to the ends of sliding spokes. Each spoke has attached to it a small roller which in its turn runs under a short pivoted rail controlled by a powerful set of springs. This arrangement permits the feet to accomodate themselves to obstacles even such as steps or stairs. The pedrail was invented by one B. J. Diplock of London, Eng. (b) A vehicle, as a traction engine, having such pedrails.

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